



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR AUGUST 25, 2020 - 7:00 PM**

The written minutes are a summary of the August 25, 2020 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

Due to the increase in COVID-19 cases, this meeting and all future meetings will only be available to the public by video conferencing (Zoom). The recorded meeting can be viewed the day after through the Township's website, www.warringtontownship.org

ATTENDANCE VIA VIDEO CONFERENCING (ZOOM)

Fred R. Gaines, Chair; Ruth Schemm, Vice Chair, Eileen Albillar, Member, Carol T. Baker, Member and Mark E. Lomax, Member.

Staff present was Barry P. Luber, Township Manager; Vicki Kushto, Esq., Clemons Richter and Reiss, Township Solicitor; Tom Zarko, P.E., CKS Engineers, Township Engineer; Christian Jones, Assistant Township Manager and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Mr. Gaines called the meeting to order at 7:05 P.M. Mr. Gaines welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

Mr. Gaines followed the Call to Order with a pledge to the flag.

PUBLIC COMMENT:

Mr. Lomax and the Supervisors received a letter from Maryann Marshall (1207 Lyndhurst Court) relating to a vendor trailer set up at the corner of 611 and Street Road. Mr. Gaines stated an inspector was sent to the location to investigate. A permit was not filed and the vendor had set up on private property without permission from the owner. The vendor was asked to vacate the premises.

Following is a listing of people who attended the August 25th Board of Supervisors meeting via Zoom:

- Dr. Connie Ace
- Michael DeMaria
- Ivy Ross
- Barbara Brown
- Mary Roth
- Brandon Gittleman
- Mary Kinley
- John McCreesh, Esquire
- Samuel D. Arellano
- Robert Gundlach, Esquire
- John Lynch, Construction Manager, Shopcore Properties
- Brian Donley, Development Director, Shopcore Properties
- Stephen Fortwangler, Architect, Cuhaci & Peterson
- Lori Pellegrino, Real Estate Manager, Chipolte Mexican Grill
- Eric Clase, P.E. Gilmore & Associates, Inc.
- David Waterman, Shopcore Properties

EXECUTIVE SESSION REPORT

Mr. Gaines stated there was an executive session held to discuss potential litigation.

ANNOUNCEMENTS: August 19, 2020 Press Release from NWWA

Mr. Jones reported on a press release from North Wales Water Authority (NWWA) dated August 19, 2020. NWWA received an H2O Grant award of \$882,761.00 from the Pennsylvania Department of Community and Economic Development (DCED). These funds will be used towards a comprehensive plan for water system improvements by NWWA, now estimated at \$2,880,000.00.

Mr. Gaines and Mr. Luber announced the closure of Pickertown Road for one to two days due to the installation of a water line.

PRESENTATION OF 2019 ANNUAL REPORT FROM WARRINGTON HISTORIC COMMISSION

Mr. Gaines introduced Dr. Connie Ace, Chair of the Historic Commission. Dr. Connie Ace reported on Warrington Historic Commission's Annual Report for 2019. Dr. Ace acknowledged Supervisor Mark Lomax who took the lead for a better part of 2019. Dr. Ace highlighted the 10 Folly Road renovations, and a Pennsylvania historical marker recognizing Holbert racing. Historic properties in Warrington were noted. Dr. Ace reported on priorities for 2020.

The Board of Supervisors thanked Dr. Ace for the work the Historic Commission has achieved.

PUBLIC HEARINGS:

Consider Inter-Municipal Transfer of Liquor License for Gran Rodeo Warrington, Inc., located at The Shops at Valley Square, 1512 Main Street, Building #9, Unit 900, TMP # 50-031-039-001 (advertised August 17, 2020).

Mr. Gaines introduced the inter-municipal transfer of a liquor license for Gran Rodeo Warrington, Inc as a public hearing. Gran Rodeo is located at The Shops at Valley Square.

Vicki Kushto, Esquire presented the following exhibits on behalf of the township:

- T1 Petition of approval for inter-municipal transfer of liquor license dated July 27, 2020.
- T2 Public notice, advertisement of hearing and proof of publication.
- T3 Mr. Clemons letter dated August 6, 2020 to applicant's attorney confirming hearing date.
- T4 Affidavit of Mailing dated August 4, 2020 to property owners; notification letter to property owners and listing of property owners.

The applicant, Samuel D. Arellano gave background information on Gran Rodeo. This restaurant is a full service Mexican restaurant with seating for 200 people.

Mr. Gaines asked if there is going to be live entertainment and outside seating.

Mr. McCreesh, attorney for applicant, stated there will be no live entertainment. Gran Rodeo is a family restaurant. There will be a small patio outside for approximately eight tables.

Mr. Lomax asked if beer will be sold "to go".

Mr. McCreesh said the restaurant will follow all government regulations.

Ms. Kushto stated the Board has forty five days to act on the application.

Ms. Albillar motioned, seconded by Mr. Lomax to approve the Resolution included in the application for the Inter-Municipal Transfer of Liquor License for Gran Rodeo Warrington, Inc., located at The Shops at Valley Square, 1512 Main Street, Building #9, Unit 900, TMP # 50-031-039-001. By roll call vote, the motion passed 5-0.

Mr. Gaines welcomed Gran Rodeo to Warrington.

Consider Conditional Use Hearing for former TGIF at Creekview Shopping Center (advertised August 10 & August 17, 2020)

Mr. Gaines announced the public hearing for a conditional use application for the former TGIF at Creekview Shopping Center was advertised both August 10 and 17, 2020. The application was heard by both the Planning Commission and Zoning Hearing Board.

Vicki Kushto, Esquire gave background information on the application from BRE RC Creekview PA, LP, Creekview Shopping Center noting that a pick-up window is being proposed at Chipoltes. Both Chipoltes and Aspen Dental will occupy the building. Ms. Kushto introduced the following township exhibits:

- T1 Application for Conditional Use from Rob Gundlach, Attorney for applicant dated May 6, 2020.
- T1A Note from Brian Donley granting an extension of time to hold the hearing.
- T2 Public notice, Intelligencer confirmation and proof of publication.
- T3 Letter from Mr. Clemons to Mr. Gundlach dated August 3, 2020 confirming hearing date.
- T4 Affidavit of Mailing dated August 7, 2020 to property owners; listing of property owners and map of area.
- T5 Affidavit of Posting dated August 11, 2020 and five pictures of posting notices.
- T6 CKS review letter dated August 13, 2020.

Ms. Kushto noted there were no parties of record.

The following people were sworn in:

- John Lynch, Construction Manager, Shopcore Properties
- Brian Donley, Development Director, Shopcore Properties
- David Waterman, Leasing Director, Shopcore Properties
- Stephen Fortwangler, Architect, Cuhaci & Peterson
- Lori Pellegrino, Real Estate Manager, Chipolte Mexican Grill
- Eric Clase, P.E. Gilmore & Associates, Inc.

Mr. Rob Gundlach, Esquire, representing the applicant, gave background on the request for conditional use. All comments in the revised CKS review letter will be complied with. There are three items being presented for the hearing:

Grant Conditional Use for pick-up window subject to waivers
 Architectural approval for renderings
 Grant of two requested waivers

Mr. Gundlach introduced the following exhibits on behalf of the applicant:

- A1 Aerial
- A2 Sheet 1 from site plan prepared by Gilmore & Associates
- A3 Review letters
- A4 Municipal Services Impact

- A5 Environmental Impact Analysis
- A6 Traffic Impact
- A7 Traffic Counts
- A8 Consistence preparation by area
- A9 Two (2) Waivers
- A10 Proposed conditions dated July 30, 2020

Mr. Gundlach read nine (9) conditions for the record (Exhibit A10).

Questions were asked by the Board relating to parking spaces, stacking; off street loading and unloading; waiting area for pick-up; ventilation between two businesses; number of handicapped spaces; trash pickup; additional traffic onto 611; and use of connector road.

Public Comment:

Mary Roth (2532 Pickertown Road) resident and President of Historical Society reported a drive-in was located at this location before the shopping center was built. The Historical Society has pictures to donate. Mr. Gaines suggested for the owner to get in touch with the Historical Society. Mr. Waterman will provide this recommendation to the tenants.

Ms. Baker motioned, seconded by Mr. Lomax to authorize the township solicitor to prepare a Resolution for the conditional use hearing subject to approval of conditions A-10; traffic impacts addressed by CKS Engineers and comply with CKS and McMahon review letters for the former TGIF at Creekview Shopping Center. All were in favor and the motion passed 5-0.

Mr. Lomax motioned, seconded by Ms. Baker to accept the architectural drawings as proposed. All were in favor and the motion passed 5-0.

Mr. Lomax motioned, seconded by Ms. Albillar to accept Exhibit A9, two (2) waivers. All were in favor and the motion passed 5-0.

Public Hearing to obtain resident input on a new Cable Franchise Agreement between the Township and Comcast of Southeast Pennsylvania, LLC (advertised August 18, 2020).

Mr. Luber presented the executive summary and benefits to the township regarding a cable franchise for Warrington Township with Comcast. Mr. Luber stated Comcast shall provide a \$25,000 grant in support of local EG programming. These funds can be used to upgrade the Shirley A. Yannich Public Meeting Room from A/V capabilities.

Mr. Jones presented a power point describing Comcast's customer service.

Ms. Baker questioned the fees for township facilities.

Mr. Luber stated all township facilities will take the basic fee. The listing of services will be placed on the website and E-Link.

Mr. Luber stated the Ordinance will be presented to the Board at their September 8, 2020 meeting.

There was no public comment for this hearing.

1. APPROVAL OF BILL LIST:

- a. 2020 Invoices for the Period August 12, 2020 to August 25, 2020 in the amount of \$767,286.37

Ms. Baker motioned, seconded by Ms. Schemm to approve the 2020 invoices paid for the period August 12, 2020 to August 25, 2020 in the amount of \$767,286.37. All were in favor and the motion passed 5-0.

2. CONSENT ITEMS:

Mr. Gaines asked if any clarification was needed for the consent items as presented.

Ms. Baker inquired about Consent Item 2C.

Mr. Lomax motioned, seconded by Ms. Albillar to approve Consent Items A, B and D through G. All were in favor and the motion passed 5-0. (Attachment "A")

- a. July 28, 2020 to Approve Minutes for Board of Supervisors meeting.
- b. August 11, 2020 to Post Minutes for Board of Supervisors meeting.
- c. Consider authorization to execute three (3) year agreement with Hough Associates to collect residential and commercial recycling data and prepare PA DEP 904 Recycling Grant Applications for Warrington Township.

Ms. Baker questioned the grant, definition of IMA and the fees per year to Hough Associates.

Mr. Lubber stated Hough Associates collects recycling data for three years (2020, 2021 and 2022) and prepares joint grant applications with other area municipalities who are members of the recycling inter-municipal agreement. The fee per year is a fixed price of \$11,500.

Ms. Albillar motioned, seconded by Ms. Baker to approve the three (3) year agreement with Hough Associates to collect residential and commercial recycling data and prepare PADEP 904 Recycling Grant Application for Warrington Township. All were in favor and the motion passed 5-0.

- d. Consider Cell Phone Policy.
- e. Consider approval of escrow release in the amount of \$80,000 for parking improvements at Warrington Crossing Shopping Center.
- f. Consider approval hiring of Major & Mastro LLC for fee up to \$3600 plus 10% contingency for bank reconciliation accounting.
- g. Consider Michael DeMaria as a volunteer member to the Historic Commission.

3. CORRESPONDENCE: None.

4. OLD BUSINESS:

a. Discussion of Fireworks.

Mr. Gaines introduced Brandon Gittleman (2305 Deer Path Drive) who expressed concern regarding the use of fireworks in Warrington Township. In 2017, Pennsylvania allowed the use of fireworks. Mr. Gittleman's concerns were noise, pets and adult's anxiety, Post-traumatic stress syndrome and additional resources for the police department due to fireworks. Mr. Gittleman noted Doylestown Township passed a Fireworks Ordinance and Warrington may want to pass a similar Ordinance.

Mr. Jones summarized the research of two (2) House Bills and two (2) Senate Bills to repeal the existing 2017 sale of fireworks in Pennsylvania.

Ms. Schemm suggested, in addition to the passing of an Ordinance, to promote a public relations campaign.

Mr. Gaines requested the township solicitor to draft a more restrictive Ordinance.

b. Consider ELA Landscape Architects for the design/installation of landscaping around the Police Station.

Mr. Luber reported the prior landscaper submitted a proposal that exceeded the budgeted amount. Ms. Ross and Ms. Brown reviewed all three proposals and selected ELA Landscape Architects. The proposed plantings are easy maintenance.

Ms. Schemm motioned, seconded by Ms. Baker to accept the proposal from ELA at a cost not to exceed \$20,000. All were in favor and the motion passed 5-0.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

a. Fire Hydrant/Fire Services Tax.

Mr. Gaines suggested not discussing this tax until the Fire Services Study is presented by DCED.

b. Recognition of volunteers for various boards/committees.

Mr. Gaines stated volunteers for various boards and committees are recognized each year by the Board of Supervisors for their time and devotion to the township. A picnic was scheduled but due to COVID-19, it was cancelled.

Ms. Schemm suggested inviting the volunteers to a zoom awards ceremony and offering a symbolic gift to the volunteers.

6. MANAGER’S REPORT: None.

7. DEDICATION REQUEST: None.

8. ENGINEER’S REPORT:

a. General Update

Mr. Zarko updated the Board that the developer for High Grove Manor is working on a punch list for the preparation of dedication.

Mr. Zarko updated the Board that the dedication of the water and sewer systems for Lamplighter Village have been completed and will be ready for dedication. Punch list items were completed due to negotiations with Gloria Dei.

9. SOLICITOR’S REPORT:

Ms. Kushto announced a petition was filed by 1800 Street Road, LLC seeking permission to file a tax appeal after the time for filing passed. Ms. Kushto recommending that the township intervenes in order to protect its interests.

Ms. Albillar motioned, seconded by Ms. Schemm to authorize the solicitor to represent the township's interest in the tax appeal. All were in favor and the motion passed 5-0.

Mr. Gaines noted during the Zoning Hearing Board hearing, the ZHB voted in favor of accepting NWWA's list of conditions that were prepared by the Planning Commission.

SUPERVISOR COMMENTS:

Ms. Baker reported a Veteran Affairs Committee was not held during the month of August.

Ms. Baker stated the Public Works Department attended a virtual training session on electric, trench and overall job safety training.

ADJOURNMENT

There being no further business, Mr. Lomax motioned, seconded by Ms. Schemm to adjourn the meeting at 10:10 PM.

Respectfully Submitted By:



Barbara J. Livrone, Board Secretary

Attachment "A"

Consent Agenda – August 25, 2020

Attached to the agenda and on the Township's website is a supplement to the agenda which contains a heading and brief description for each item listed under the Consent agenda. As in the past, any Board member can ask to remove an item from consent and have it discussed independently.

I would now ask for a motion to approve items **A through G** on the Consent agenda.

- a. **July 28, 2020 to Approve Minutes for Board of Supervisors meeting.**
- b. **August 11, 2020 to Post Minutes for Board of Supervisors meeting.**
- c. **Consider authorization to execute three (3) year agreement with Hough Associates to collect residential and commercial recycling data and prepare PA DEP 904 Recycling Grant Applications for Warrington Township.**
- d. **Consider Cell Phone Policy.**

Establish guidelines for the use of Township-issued cell phones and personal cell phones for use in the conduct of township business.

- e. **Consider approval of escrow release in the amount of \$80,000 for parking improvements at Warrington Crossing Shopping Center.**

CKS Engineers, Inc. verified that Warrington Real Estate Limited Partnership satisfied the requirements of the escrow agreement for parking improvements. Therefore, \$80,000 can be released from the Township's escrow funds.

- f. **Consider approval hiring of Major & Mastro LLC for fee up to \$3600 plus 10% contingency for bank reconciliation accounting.**

Three firms submitted proposals. The lowest proposal was submitted from Major & Mastro, LLC. Their services would begin in August will be completed by the end of September, 2020.

- g. **Consider Michael DeMaria as a volunteer member to the Historic Commission.**